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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/074,117 | 02/12/2002 | Peter Buchner | 282647US8X | 7730 |
| 22850 7590 10/22/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER HUYNH, SON P | |
| | | | ART UNIT 2623 | PAPER NUMBER |
| | | | NOTIFICATION DATE 10/22/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/074,117

Applicant(s)

BUCHNER ET AL.

Examiner

Son P. Huynh

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007 and 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to new added claims 9,11-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues neither Kawamura nor Inoue teach or suggest service information control unit derives service information from the transport stream and distributes the service information to output devices connected to the tuning device (page 9, paragraph 3). This argument is respectfully traversed.

Kawamura discloses in the tuner subunit 11, a control section 115 controls the demultiplexer 112 and remultiplexer 116 and 117 in accordance with commands send

from the asynchronous transaction processing block 14, whereby data stream of programs and B are output from the subunit plugs 113, 114. Signal information including data received from the transport stream are then transmitted to the monitor subunit. The control sec. also drives services such as connection acceptance response, station selection acceptance response including channel name, program name, etc. and distribute these services to the monitor subunit – see include, but are not limited to, figures 1,3-5, 7b, 7d, 7f-8c, col. 3, lines 1-12, col. 5, lines 30-58, col. 7, lines 18-21, col. 7, line 36-col. 8, line 20). Thus, Kawamura discloses a service information control unit that derives service information from the transport stream and distributes the service information to output devices connected to the tuning device (interpreted as async. process, control sec. 115, async. trans. 14 controls selection and distribution of service information over serial bus 1394 to output devices in monitor subunit connected to tuner subunit, wherein the “service information” is interpreted as program A, program B, channel information, etc. from the stream/multiplexed stream provided by the tuner subunit.

For the reason given above, rejections on claims 9, 11-15 are analyzed below.

Claims 1-8, 10 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura (EP 0 835 029 A2) –hereinafter referred to as Kawamura, in view of Inoue et al (US 5,826,168) –hereinafter referred to as Inoue.

Regarding claim 9, Kawamura discloses a tuning device (figures 1, 3-5) comprising:

a tuner unit configured to generate a transport stream from a received service (tuner unit configured to generate a transport stream for providing over IEEE 1394 from a service received from antenna – figures 1, 3-5), outputting the particular stream upon request to the monitor unit (the tuner/tuning device outputting generated transport stream to monitor unit upon request – see include, but are not limited to, figures 1, 3-5), the tuning device is a stand-alone network device and the partial transport stream is output to a network (tuner unit is a stand-alone unit and generated packets are outputted to communication network 1394 – see include, but are not limited to, figures 1, 3-5);

Kawamura further discloses a service information control unit (e.g., control sec. 115 – figure 4) that derives service information from the transport stream and distribute the service information to output devices connected to the tuning device (async process, control sec. 115, and async. trans. 14 control selection of service information including program content, program name, channel information, etc. received at tuner subunit 11, and distribute the selected service information including selected program content, selected channel information, selected program name, etc. over serial bus 1394 to output devices in monitor unit connected to the tuner 1 – see include, but are not limited to, figures 3-5). However, Kawamura does not explicitly disclose a storage unit for storing transport stream and the storage unit outputs the transport stream.

Inoue discloses a storage unit (e.g. storage unit 12 or storage unit 30) for storing partial transport stream (service received from the tuner 101) and for outputting the transport stream (outputting the received service to a network for display on a display device – see include, but are not limited to, figures 1, 5, col. 2, line 66-col. 3, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawamura to use the teaching of a storage unit for storing received service as taught by Inoue in order to improve convenience for the user in playing back a program, for example, to reduce waiting time (col. 3, lines 62-65).

Regarding claim 11, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the service control unit includes a command generation control unit configured to generate asynchronous commands to

distribute the service information to output device connected to the tuning device (control unit comprises async. process and async. trans. 14 configured to generate asynchronous command such as program selection, channel selection, acceptance response, etc. to distribute selected program, selected channel information, or acceptance response to output devices in monitor unit connected to tuner unit 1 – see include, but are not limited to, figures 3-8c, col. 5, line 31-col. 6, line 46, col. 7, line 3-col. 8, line 20).

Regarding claim 12, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the tuning device further comprises a partial transport stream generating unit (packet generation 12) configured to generate the transport stream (see include, but are not limited to, figures 1, 3-5).

Regarding claim 13, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 12. Kawamura further discloses a controller (e.g. async. trans. 14 and control sec. 15 – figure 4) configured to receive information about the content of the partial transport stream to be generated via at least one asynchronous command and supply the information to the partial stream generating unit (async. trans. and control sec. receive information about a program to be selected via at least one asynchronous command, supply the information to the packet generation – see include, but are not limited to, figures 1, 3-5, col. 2, line 39-col. 3, line 12, col. 5, lines 31-58).

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Regarding claim 14, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Inoue further discloses the storage unit is configured to simultaneously record the partial transport stream and reproduce the particular transport stream at a same time or time shifted and/or at least one other recorded partial transport stream (memory device 12 or 14 for storing video signals and for simultaneously receiving video signals for storage and supplying reproduced video signals (see include, but are not limited to, col. 2, line 61-col. 3, line 16, col. 3, lines 62-65).

Regarding claim 15, Kawamura in view of Inoue discloses a tuning device as discussed in the rejection of claim 9. Kawamura further discloses the network is an IEEE 1394 network (see figures 1, 3,5, col. 2, lines 36-38, 55-58).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Margulis (US 6,263,503 B1) discloses method for effectively implementing a wireless television system.

Sato et al. (US 2005/0198665 A1) discloses information processing apparatus and method, information processing system, and recording medium.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

October 16, 2007

A handwritten signature in black ink, appearing to read 'Son P. Huynh', with a stylized flourish at the end.